



MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

DOUGLAS W. HEIM
Assistant Corporation Counsel
phone: (212) 788-1298
fax: (212) 788-9776
dheim@law.nyc.gov

RECEIVED
DOCUMENT
ELECTRONICALLY FILED
BOOK #

February 22, 2008

BY FAX: (212) 805-7928

Honorable Michael H. Dolinger
U.S. Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Raheem Davis v. Singe #2058, et al., 07 Civ. 6943 (LAP)(MHD)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant Police Officer Steven Ventimiglia. I write with respect to the above-referenced matter in which plaintiff alleges defendant Ventimiglia falsely arrested him and subjected him to excessive force. Defendant Ventimiglia respectfully requests an extension of time to answer or otherwise respond to this complaint from February, 22 2008 until April, 22 2008. Plaintiff is presently incarcerated and proceeding *pro se*, therefore this application is being made directly to the Court.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office forwarded plaintiff for a second execution a consent and authorization for the release of sealed arrest and criminal prosecution records so that defendant Ventimiglia can access the information, properly assess the case, and respond to this complaint.¹

¹ This Office previously sent plaintiff a 160.50 release and a medical release on October 2, 2007 before any parties had been served in this matter and received no response. Since that date,

Continued...

ENDORSED ORDER

Application granted. Defendant Ventimiglia response to the complaint is to be served and filed by April 22, 2008. Plaintiff must sign and return the releases sent to him by defendant's attorney to permit the case to proceed.

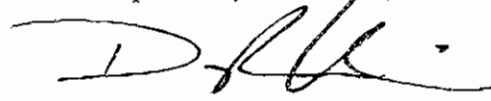
[Signature]
2/25/08

Additionally, because plaintiff has alleged physical injuries as a result of the events complained of, this office has also forwarded to plaintiff for execution a consent and authorization for the release of medical records, limited, at this juncture, to medical records concerning treatment received as a result of the alleged incident, so the defendant can properly assess the case and respond to the complaint.

Accordingly, defendant Ventimiglia respectfully requests an extension of time until April 22, 2008 to answer or otherwise respond to the complaint. No previous requests for an extension of time have been made.

Thank you for your consideration of the within matter.

Respectfully submitted,



Douglas W. Heim (DH 5238)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Raheem Davis (By first class mail)
Plaintiff *pro se*
58146-054
MDC-Brooklyn
P.O. Box 329002
Brooklyn, New York 11232

plaintiff has changed address several times. Upon information and belief, plaintiff is no longer located at the address presently listed on the docket sheet for this matter, but is now back at the federal MDC facility in Brooklyn, New York.